and wherein said honey has a peroxide activity amount of greater than about 5 than μg hydrogen peroxide per gram honey after 60 minutes as measured at a temperature of 21°C.

REMARKS

Applicant respectfully requests reconsideration of the present application. Upon entry of the above amendment, claims 6-10 and 15-19 remain pending in the present application.

Claims 6 and 15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 89/07399 in view of U.S. Patent No. 4,273,794 to von Stering-Krugheim. Claims 7-19 and 16-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 89/07399 in view of von Stering-Krugheim further in view of Kerkvliet. Finally, claim 10 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 89/07399 in view of von Stering-Krugheim, further in view of Kerkvliet and further in view of U.S. Patent No. 5,112,964 to Aoe et al. Applicant respectfully traverses these rejections.

It is true that W0 89/07399 discloses a product being suitable for human consumption wherein the starting material, i.e., comprising wheat bran, wheat germ, soy granulate and oil seeds, is ground in a hammermill, while milling is continued at a maximum temperature of 30°C. The milling product is filled into a kneading machine, wherein a mass is prepared by pouring in a crystallized honey of the age of 6-8 months. The requirement to be met by the honey is disclosed on page 4, lines 20-25. This document does not specify anything about the other properties of honey.

Kerkvliet relates to a method for the determination of peroxide accumulation in honey and screening relation with HMF content. Kerkvliet discloses that peroxide values for the 580 honey samples used in this study range from 0 to 150 μm/g/h at 20°C (see page 2, left column).

Although Kerkvliet concludes that a positive correlation exists between the peroxide value of honey and its antibacterial characteristics, Kerkvliet does not mention nor suggest a critical value of a peroxide activity amount of greater than about 5 μg of hydrogen peroxide per gram honey after 60 minutes as measured at a temperature of 21°C. With regard to the wide range of peroxide accumulation values Kerkvliet discloses that heating of honey is one of the reasons, processing and storage are others. As far as heating is concerned, about 32% of the zero values may be attributed to heating. The influence of heating of honey in normal processing on peroxide accumulation can also be seen from the Figures 1 and 2. Prolonged storage of honey influences the peroxide accumulation as measured by some authors. However, Kerkvliet did not find consistent results: sometimes Kerkvliet found a decrease in peroxide activity, however, sometimes honey with low peroxide values showed a distinct increase, which may be due to the structure of catalase.

It is not obvious for a person skilled in the art to combine the teachings of Kerkvliet with the teachings of W0 89/07399. The fact that the study carried out by Kerkvliet comprises 580 honey samples ranging from 0 to 150 μg/g/h at 20 °C does not make it obvious to prepare a composition for the relief of occasional heartburn and digestive disorders, wherein said composition comprises honey and raw food fibers, wherein said honey has a peroxide activity amount of greater than about 5 μg of hydrogen peroxide per gram honey after 60 minutes as measured at a temperature of 21 °C.

Claim 19 has been added to the present application and is believed to be patentable over the cited references. As explained above, the combination of references does not teach or suggest a honey-based composition for the relief of heartburn and digestive disorders that comprise honey and raw fibers in the ranges set forth therein and wherein the honey has a

peroxide activity in an amount greater than about 5 μg of hydrogen peroxide per gram of honey after sixty minutes as measured at a temperature of 21°C.

CONCLUSION

Upon entry of the above amendment, claims 6-10 and 15-19 remain pending in the present application. It is respectfully submitted that these claims are in a condition for allowance and an early notice to such effect is earnestly solicited. If the examiner believes that issues remain unresolved, it is requested that the examiner contact the undersigned counsel for application by telephone in order to expedite resolution and disposal.

Respectfully submitted,

Thomas B. McGurk
Registration No. 44,920
Louis T. Isaf
Reg. No. 29,078
Attorneys for Applicants

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
Post Office Box 7037
Atlanta, Georgia 30357-0037
(404) 888-7462 (telephone)
(404) 879-2994 (facsimile)

Docket No.: **I071 1010**

ATLANTA 342285v1